

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

DECISION and ORDER

-VS-

11-CR-6083

RICHARD W. MAR

Defendant

This case was referred by text order of the undersigned, entered May 2, 2011, ECF No. 2, to Magistrate Judge Marian W. Payson, pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). On June 11, 2012, Defendant filed an omnibus motion, ECF No. 201, seeking *inter alia* suppression of evidence of a photographic identification procedure. On August 9, 2012 Magistrate Judge Payson filed a Report and Recommendation ("R&R"), ECF No. 250, recommending that the Court deny Defendant's motion to suppress. The time has passed for Defendant to file any objections to the R&R, and none have been filed.

Accordingly, for the reasons set forth in Magistrate Judge Payson's R&R, Defendant's application to suppress evidence of a photographic identification procedure is denied.

IT IS SO ORDERED.

Dated: Rochester, New York
September 26, 2012

ENTER:

/s/ Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge